IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE C.Y. SOMAYAJULU

WRIT PETITION No. 24662 OF 1996

Date:01.02.2006

BETWEEN:

P. Krishna Murthy

…. PETITIONER

Vs.

1. The Mandal Revenue Officer, Nandyal Mandal, Kurnool District, and others.

…. RESPONDENTS

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

–

WRIT PETITION No. 24662 OF 1996

–

ORDER:

The petitioner, who was granted temporary permission as land less poor person to cultivate Acs.0.69 cents in S.No.452/B Ayyaluru Village, Nandyal Mandal, Kurnool District, filed this writ petition alleging that respondents 1 and 2 with a view to assign the land which is in his possession to respondents 3 to 11, are trying to dispossess him by force.

In the counter affidavit filed by the first respondent on behalf of respondents 1 and 2 it is alleged that the land occupied by the petitioner in S.No.452/B is

classified as K.C.C. Pormboke. Since one of the conditions imposed is that it can be resumed to the Government at any time without any prior notice, the petitioner has no right to continue in possession of the same, more so, because he did not make any application for assignment of the land.

Heard the learned counsel for the petitioner and learned Assistant Government Pleader for respondents.

Since the possession of the petitioner over the land in dispute is admitted, he cannot be thrown out without taking recourse to due process of law. Therefore, this Writ Petition is disposed of with a direction to respondents 1 and 2 not to dispossess the petitioner from Acs.0.69 cents in S.No.452/B of Ayyaluru Village without taking recourse to due process of law. The petitioner is entitled to costs.

(C.Y. Somayajulu, J.)

1st February, 2006

js.